

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF  
VELOCITUS, INC. FOR AN INVESTMENT TAX  
CREDIT FOR INSTALLING QUALIFIED  
BROADBAND EQUIPMENT.**

**CASE NO. GNR-T-04-10**

**ORDER NO. 29510**

On April 21, 2004, Velocitus, Inc. filed an Application requesting that the Commission find the Company eligible to receive an Idaho investment tax credit. Pursuant to *Idaho Code* § 63-3029I, an Idaho taxpayer may receive a tax credit for installing “qualified broadband equipment” in Idaho. To be eligible for the tax credit, the taxpayer must obtain from the Commission an Order confirming that the equipment has been installed and that it meets the definition of qualified broadband equipment set out at *Idaho Code* § 63-3029I(3)(b). Briefly, qualified broadband equipment must be capable of transmitting signals at a rate of at least 200,000 bits per second (bps) to a subscriber and at least 125,000 bps from a subscriber. In the case of a telecommunications service provider and a wireless carrier, the qualified broadband equipment must also “be necessary to the provision of broadband service and an integral part of a broadband network.” *Idaho Code* § 63-3029I(3)(b)(i). In this Order, we find that Velocitus has installed qualified broadband equipment.

**THE APPLICATION**

Velocitus states that during calendar year 2003, it installed various components as part of its wireline and wireless broadband network for the provision of high-speed Internet access and other point-to-point data services to customers in the Treasure Valley and other Idaho communities. Such components include transmitting/receiving antennae, data traffic concentrators, switches and routers. Velocitus also included in its Application such items as installation and labor as part of its investment cost. Velocitus maintains that it spent approximately \$161,000 during 2003 for its broadband investment. Since 2001, Velocitus has been offering high-speed access to customers at transmission rates from 256 kilobits per second (kbps) up to 45 megabits per second (Mbps).

## **STAFF REVIEW**

To implement its responsibilities under *Idaho Code* § 63-3029I, the Commission issued Procedural Order No. 28784 in July 2001. This Order identifies information that must be included in an Application for a broadband credit. Once the information has been filed, the Commission Staff reviews the Application and submits a recommendation to the Commission.

Staff has reviewed the list of broadband equipment installed by Velocitus. Staff believes that the equipment is “necessary for the provision of broadband services and is an integral part of a broadband network.” Consequently, Staff recommends that the Commission issue an Order approving Velocitus’ Application.

## **FINDINGS**

Having reviewed the Application and Staff’s recommendation, we find that the Application for a qualifying broadband equipment Order should be granted. Velocitus has demonstrated that it installed qualifying broadband equipment identified in its Application during 2003 in conformance with *Idaho Code* § 63-3029I. We further find that as configured, the installed equipment is an integral part of a broadband network necessary to deliver broadband services to Idaho customers. *Idaho Code* §§ 63-3029I(3)(b)(i, iv-vi). It is therefore appropriate for the Commission to issue this Order confirming that Velocitus has installed qualified broadband equipment as a precondition to seeking an Idaho broadband tax credit. The Commission makes no findings regarding the costs of the installed broadband equipment or whether it is appropriate to include installation and labor as part of its tax credit.

## **ORDER**

IT IS HEREBY ORDERED that Velocitus’ Application for an Order certifying that it has installed qualifying broadband equipment is granted.

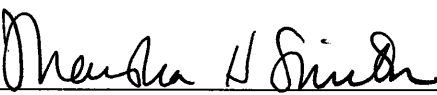
IT IS FURTHER ORDERED that a copy of this Order and a copy of the Application be served upon the Idaho State Tax Commission.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. GNR-T-04-10 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. GNR-T-04-10. Within seven (7) days after any person has

petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* §§ 61-626 and 62-619.

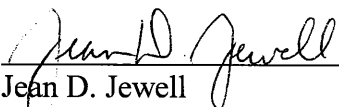
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4<sup>th</sup> day of June 2004.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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